

## *Blessed Are the Cheesemakers: In Search of Ancient Roots of Dairy on Shavuot*

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A striking feature of the Halakhic literature of medieval Ashkenaz is the centrality of *minhag*, a custom or popular practice that is unmoored in Halakhic norms, and which in some circumstances is even granted the power to uproot the latter when they are in conflict.<sup>1</sup> A surprising feature of some *minhagim* is not merely their novelty vis-à-vis prior Rabbinic literature, but the unselfconscious nature in which previously unknown observances are disclosed when they abruptly materialize. The holiday of Lag Ba-Omer, for example, finds its first mention in a mnemonic in the 12<sup>th</sup>-13<sup>th</sup> century *Mahzor Vitry*,<sup>2</sup> a terse remark that clearly presumes that we are aware of this holiday, its observances and significance. Later sources within the medieval period do struggle to provide explanations, which vary significantly and all seem to be *post facto* apologia—but the initial disclosure of the practice takes its existence entirely for granted, and as regards clarifying its significance, the source seems remarkably unperturbed.<sup>3</sup> In these cases, it seems clear that the *minhag* is actually well established, but all earlier sources have simply been lost.

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<sup>1</sup> See a good overview in Herman Pollack, “An Historical Explanation of the Origin and Development of Jewish Books of Customs (“*Sifre Minhagim*”): 1100-1300,” *Jewish Social Studies*, 49:3/4 (Summer–Autumn, 1987), 195-216.

<sup>2</sup> Mitchell First, “The Mysterious Origin of Lag Ba-Omer,” *Hakirab* 20 (2015), 205-217.

<sup>3</sup> One could speculate that the disruption wrought by the Crusades of 1096 constrained the transmission of *ta’amei ha-minhagim*, even as *minhagim* themselves were preserved. On the other hand, generally speaking, the disruption of the Crusades upon the intellectual life of Ashkenaz was far less significant than one might have expected. See Haym Soloveitchik, “Catastrophe and Halakhic

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And so it is with regard to the practice of eating dairy on Shavuot. In contemporary Israel, this has become the most publicly identifiable feature of the holiday, as evidenced by the ubiquity of billboards and bus advertisements placed by Israeli dairy companies. There is not a single mention of the practice in the Rabbinic corpus that precedes medieval Ashkenaz—not in Mishnah, Midrash, Talmud Bavli, Yerushalmi, *piyyut* or Genizah fragments. Nonetheless, we find the following statement by R. Elazar Rokeach<sup>4</sup> (1176-1238), a key figure in German Pietism as well as an important Tosafist and Halakhist:

My father saw regarding his uncle, Rabbeinu Menachem, that on the holiday of *Atzeret* he would eat cheese before meat and wipe his mouth with bread dipped in wine—that he ate and did not wait between them.

Here the Rokeach intends to use a *ma'aseh rav* to teach us an Halakhic principle regarding the appropriate manner to transition from dairy to meat. Along the way, we have learned for the first time (1) that there is a custom to eat cheese before the meat meal on Shavuot, (2) that this was no mere folk-custom but was practiced by at least one Rabbinic luminary and (3) that this predates the Rokeach by three generations, such that the practice is at least as old as the early twelfth century. The unself-conscious nature with which the practice is reported permits us to speculate that the practice did not begin then, but is even pre-Crusades in origin.

Subsequent Ashkenaz sources that document this practice do attempt to explore its significance. *Malmad Ha-Talmidim* by R. Yaakov Anatoli of Provence (b. 1194) discusses the practice (p. 121b):

Even the practices that were innovated after the Torah come to complete this intent—such as our practice on this holiday to eat honey and milk—to be mindful of the acceptance of the Torah, which is compared to milk and honey. Because it is known that milk is the food of children due to their delicate nature, and in parallel comes in the Torah the active *mitzvot*, which is the food for the soul of the many...

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Creativity: Ashkenaz: 1096, 1242, 1306 and 1298,” *Jewish History* 12:1 (1998), 71-85.

<sup>4</sup> *Ma'aseh Rokeach*, cited in *Derashah le-Pesah*, ed. Simcha Emanuel (2006), p. 39. I am indebted to R. Eliezer Brodt, who appears to have been the first to identify this source; it appears in an article written for popular consumption, “The Mysteries of Milchigs,” *Ami Magazine* (May 12, 2013), 88-93.

A similar approach is adopted in the book of *Minbagim* of the Maharām (R. Meir) of Rothenburg, c. beginning of the 14<sup>th</sup> century (p. 30):

And their practice was to eat milk and honey (on the first day) because the Torah is compared to milk and honey, as it is written (Song of Songs 4:11) *halav u-devash taḥat leshonekha*, “milk and honey under your tongue.”

This view is echoed in the writings of his contemporary, the Provençal R. Aharon HaKohen of Lunel (*Orḥot Ḥayyim* 1:13, 78a and *Kol Bo, Siman* 52). Of note, *Kol Bo* elsewhere (*siman* 106) suggests that one might be lenient with regard to the six-hour waiting period between meat and dairy so as to accommodate the *minbag* of eating dairy on Shavuot afternoon. While he suggests a rationale by which the halakhic requirement is not breached (“desire for the dairy hastens digestion of the meat”), one cannot help but feel that he imparts to this custom an element of *minbag mevatel halakhab*<sup>5</sup>—that he sees this as a custom with sufficient gravity to nullify law, that he takes the practice quite seriously.

However, even in this early period—before the Rindfleisch massacres disrupted the traditions of Rishonei Ashkenaz—there is no unanimity regarding the root of the custom. R. Avigdor Tzarfati, in his commentary on the Torah (1270), takes a different tack altogether:

The world asks, why do we eat a *beladin* (a cheese pastry) on Shavuot? It seems that there is a hint from the Torah (*Be-Midbar* 28:26), “and on the day of first-fruits, when you offer **a new meal-offering to God on your weeks** (*hadashab la-Hashem be-Shavuoteikhem*)” the initial letters spell milk (*halab*), *be-Shavuoteikhem*, on Shavuot. But why *pladin*, I do not know.

Here, a source contemporaneous with the others (1) attributes antiquity to the practice, imagining the source as biblical(!)<sup>6</sup>; and (2) does not link the practice to the Song of Songs verse, which is taken as a metaphor for Torah. In the generations that followed the dislocation and disruption of the Rindfleisch massacres, explanations for the practice proliferated, to the point that a *kuntres* that appeared recently catalogs

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<sup>5</sup> See discussion in Stuart Miller, *Sages and Commoners in Late Antique Eretz Israel* (Tübingen: Mohr Siebeck, 2006), 383-5, who adduces later sources and parallels in Roman law that demonstrate that this principle, articulated in Yerushalmi *Bava Metzja* 7:1 and *Yevamot* 12:1, is a genuine one that is actually somewhat broadly applied in the EretzIsraeli context.

<sup>6</sup> Although this is undoubtedly meant as an *asmakhta*, a scriptural hint which is attached to a later practice.

nearly 150 understandings; some highlights are surveyed in a recent article by R. Eliezer Brodt.<sup>7</sup>

### Initiation Fragmentation?

The plurality of early sources linking dairy with “milk and honey under your tongue,” and children more generally, evokes for some a link with a different contemporaneous practice that is tied to Shavuot. Prof. Ivan Marcus spotlights an early Ashkenazic custom, found in *Mahzor Vitry*, the Rokeach, as well as the *minbagim*-book of Maharam Mi-Rothenberg, to initiate the Jewish child to Torah study. In all sources, the ritual involves honey, which the child licks off a letter-board in the presence of his teacher. *Mahzor Vitry* has the ritual involve a dairy cake; Rokeach omits mention of dairy, but pinpoints the *minbag* to Shavuot morning.

It is but a small leap to imagine that the general practice of eating dairy on Shavuot originated as the generalization of a component of this dairy initiation ritual for children, which is present in the *Mahzor Vitry*, the work of R. Simchah of Vitry (d. 1105), who precedes the earliest source of the general *minbag* of dairy—the Rokeach—by nearly a century. The practice itself, per Marcus, replete with the consumption of symbolic foods and activities commemorating the Sinaitic revelation, responded to a Christian confirmation rite—first communion—involving eucharistic foods that took place on Easter or Pentecost.<sup>8</sup>

However, in his review of the book, Israel Ta-Shma quibbles with the dates of the sources Marcus cites, with consequences for the direction of causality. The source of the initiation rite in the *Mahzor Vitry* is the MS Reggio, which is shown to be from the 13<sup>th</sup> century; it is absent from MS Sasson, the oldest manuscript of *Mahzor Vitry*.<sup>9</sup> (Ta-Shma also questions the assertion that the Christian initiation rite predates the Jewish one.) As such, the earliest evidence for the two practices—the consumption of dairy on Shavuot, and the initiation rite of children involv-

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<sup>7</sup> *Kuntres Mat'amei Moshe*; see Brodt, note 5 above.

<sup>8</sup> Ivan G. Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven, CT: Yale University Press, 1996). See p. 126, where Marcus describes how the medieval initiation ceremony “broke up into its constituent parts,” which included the consumption of dairy on Shavuot. Brodt, note 5 above, reaches the same conclusion, although he disputes any connection with the Christian rite. See his “Segulot le-Zikaron u-Petiḥat ha-Lev,” *Yerushatenu* 5 (2011), 345.

<sup>9</sup> Israel Ta-Shma. “Review: Rituals of Childhood,” *The Jewish Quarterly Review*, 87:1/2 (Jul. - Oct., 1996), 233-239.

ing honey and dairy—is at best contemporaneous; on closer scrutiny, the general consumption of dairy on Shavuot can be assumed to be of **greater** antiquity, as Rokeach cites the *minhag* as having been practiced two generations before him.

### **Taking a Page from the Pagans?**

Prof. Theodor Herzl Gaster offers a different rationale for the source for the *minhag*. For Gaster, Jews simply aped a festal mode practiced by their neighbors.

Another Pentecost custom which has its counterpart in Gentile usage is that of eating dairy dishes, especially those made with cheese. The usual explanation of this custom is fanciful enough... In reality, cheese and dairy dishes are eaten at this time because the festival has a pastoral as well as an agricultural significance. Thus, at the analogous Scottish celebrations of Beltane on May 1, dairy dishes are commonly consumed, and churning and cheese-making are a common feature of spring harvest festivals in many parts of the world. In Macedonia, for instance, the Sunday before Lent is known as “Cheese Sunday”; in several districts of Germany, cheese and dairy dishes are (or were) standard fare at Whitsun. That such usages are extremely ancient is shown by the fact that at the Roman rural festival of Parilia (April 21), which fell at the same time of year as marks the beginning of the barley harvest in Palestine, milk and must were drunk, and the image of the pastoral god Pales was sprinkled with the former...<sup>10</sup>

The obvious difficulty with this explanation is that the Christian and pagan festivals that Gaster enumerates would better coincide with Pesah, not Shavuot. R. David Golinkin<sup>11</sup> notes this, and instead prefers another suggestion that he cites—that the spring and summer were times of calving in medieval Europe, and there simply was an abundance of milk and dairy products at that time.

### **Essentially Essene?**

To this point, the point of departure of origin theories has been the assumption that the custom of dairy on Shavuot arose in the local milieu

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<sup>10</sup> Theodor Gaster, *Festivals of the Jewish Year* (William Morrow and Co: New York, 1953), 77.

<sup>11</sup> At <https://www.schechter.ac.il/article/1/7/> /-חלב-בהג- /למה-נוהגים-לאכול-מאכלי-חלב-בהג- /השבועות, accessed June 16, 2019.

of Ashkenaz. This supposition is rendered problematic by the observance of this *minhag* in far-flung Jewish communities; for example, the Aramaic-speaking Kurdish Jewish community, who, in the early twentieth century, are recorded as celebrating Shavuot with a traditional dairy dish known as *madira*.<sup>12</sup> Nonetheless, in the absence of a written record, one cannot refute the proposal that the practice owes to trans-cultural visitors from Ashkenaz or its satellites at some point in the last millennium, however unlikely this may be. However, the practice also obtains in a community in which cultural diffusion is rather unlikely:

Sunday is the festival of Shavuot. The day begins with a cold meal, mostly salads and cheeses (since Samaritans do not cook on Shabbat, and Shavuot always falls out after Shabbat). The prayers begin after midnight in the synagogue at Kiryat Luza on Mount Gerizim. The all-night service is similar to the Jewish custom to learn Torah all night on Shavuot, *Tikkun Leil Shavuot*. At about 4:00 a.m. the congregation leaves the synagogue and makes the pilgrimage to the mountaintop. On the way up, the Song of the Sea will be sung, while singing and praying. They move from station to station...<sup>13</sup>

The origins of the Samaritan community can be traced as far back as 721 BCE (according to the Biblical account), to the Assyrian conquest of the Northern Kingdom of Israel. Many of their religious practices, most notably their solar calendar, are similar to those of Second Temple-era sectarians, but there has not been meaningful cross-cultural exchange between them and mainstream Jewish communities since Byzantine rule in Palestine. Could their observance of the *minhag* of dairy on Shavuot—which they attribute to their sectarian Jewish solar calendar, in which Shavuot always occurs on a Sunday—point to a Sadducee or Essene source for this practice? In a different context, Prof. Rachel Elijor<sup>14</sup> pos-

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<sup>12</sup> Erich Brauer and Raphael Patai, *The Jews of Kurdistan* (Detroit: Wayne State University Press, 1996), 296.

<sup>13</sup> Benyamim Tsedaka, at <https://thetorah.com/the-samaritan-shavuot/>, accessed June 16, 2019.

<sup>14</sup> Rachel Elijor, “Hag Shavuot ha-Ne’elam,” in Maren R. Niehoff, Ronit Meroz, and Jonathan Garb, eds., *ve-Zot le-Yebuda—And This Is for Yebuda: Yebuda Liebes Jubilee Volume* (Jerusalem: Mosad Bialik, 2012), 70-92. See also her *The Three Temples: On the Emergence of Jewish Mysticism*, trans. D. Louvish (Oxford: The Littman Library of Jewish Civilization, 2004), 61. See response regarding the antiquity of the solar calendar by Sacha Stern, “Rachel Elijor on Ancient Jewish Calendars: A Critique,” *Aleph* 5 (2005) 287-292. (The key argument for the sectarian solar calendar per *Hazal* turns on the understanding of the words *mi-maharat ha-Shabbat*, which indeed seems unlikely to reference the morrow of

its that important thematic elements in our modern celebration of Shavuot—the reenactment of mass revelation and renewal of the covenant, *ma'aseh merkavah*, the very idea that Shavuot is *zeman matan Torateinu*—all of which are present in Apocrypha, pseudepigrapha, Dead Sea Scrolls but not the Mishnah—are sectarian imports (or for Elijah, original motifs that *Hazal* initially tried to subvert) that ultimately found their way into “mainstream” Judaism through mystical traditions and Aggadah.

There may exist a hint to a contemporaneous attestation to a sectarian practice of dairy, or at least meatlessness, on Shavuot. In his *Church History* (II:17), the fourth-century Christian historian Eusebius Pamphilius, bishop of Caesarea, cites an apparently lost passage from Philo of Alexandria (c. 20 BCE–50 CE):

3. In the work to which he gave the title, *On a Contemplative Life or on Suppliants*... he says that these men were called Therapeutæ and the women that were with them Therapeutrides. He then adds the reasons for such a name, explaining it from the fact that they applied remedies and healed the souls of those who came to them, by relieving them like physicians, of evil passions, or from the fact that they served and worshipped the Deity in purity and sincerity...

22. These things the above-mentioned author has related in his own work, indicating a mode of life which has been preserved to the present time by us alone, recording especially the vigils kept in connection with the great festival, and the exercises performed during those vigils, and the hymns customarily recited by us, and describing how, while one sings regularly in time, the others listen in silence, and join in chanting only the close of the hymns; and how, on the days referred to they sleep on the ground on beds of straw, and to use his own words, taste no wine at all, nor any flesh, but water is their only drink, and the relish with their bread is salt and hyssop.

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“the holiday,” as holidays are not otherwise called *shabbat*. However, Prof. Yehuda Elitzur, cited in Yoel Elitzur, “Milot Mafte’ah ke-Koteret Tat-Karka’it le-Parshiyot be-Mikra u-Parashat mi-Maharat ha-Shabbat, mi-Torato shel Professor Yehuda Elitzur, ז”ל,” *Megadim* 38 (2013) 33-42 notes that in ancient Mesopotamia, the full moon was celebrated; this day was known in Akkadian as *sapattu*, or *sabattu*. The Jewish weekly Sabbath is an innovation of the Torah and was unknown in the Ancient Near East. The original audience of the Torah would thus have been more familiar with “Ha-Shabbat” as the fifteenth of the month, and its morrow in the first month as, indeed, the morrow of 15 Nissan, the Passover holiday; “Yom Ha-Shabbat” is a Biblical derivative neologism.)

The identity of the Therapeutae is not known. Eusebius assumed them to be early Christians by dint of their monastic lifestyle, but assuming (as is conventionally assumed) that Philo is indeed the author of *De Vita Contemplativa*, since Philo outlived the founder of Christianity by only about two decades, the book's documentation of elderly virgin celibates (IX:68) would be an anachronism. Most scholars identify them with a Jewish sect similar in many ways to the Essenes, and indeed, in its original context in Philo's writings, the description of Therapeutae follows that of the Essenes (now lost), contrasting the two, the Essenes as "Active" and Therapeutae as "Contemplative" groups.

Interestingly, in his own account of the Therapeutae, Philo mentions (and idealizes) milk-drinking:

Having written about the Essenes, who pursue and toil at the practical life and excel... in most areas, I will now describe what fits those who have embraced contemplation... they are called Therapeutae... I think Homer expressed this symbolically at the beginning of the thirteenth book of his Iliad by saying, "The Mysians, hand-to-hand fighters and noble drinkers of mare's milk—they live simply on milk and are the most righteous of mankind." The meaning is that anxiety about livelihood and earning money causes injustice by way of inequality, whereas justice arises from the opposite commitment to equality, by which the wealth of nature is determined and surpasses what vain opinion considers wealth. When, then, they have given up their possessions, they depart without a backward glance... [and] take up their abode outside of walls, or gardens, or solitary lands, seeking for a desert place, not because of any ill-natured misanthropy to which they have learnt to devote themselves, but because of the associations with people of wholly dissimilar dispositions to which they would otherwise be compelled, and which they know to be unprofitable and mischievous.

In sum, we have testimony that at least one sectarian group in the Second Temple period celebrated Shavuot ("the great festival" of fifty-day periods) with a meal that did not include meat.

### **Excavating the True Origins**

If we can be skeptical about reasons adduced for the *minbag* of dairy on Shavuot by our own Rishonim, there seems no reason that we must unquestioningly accept contemporary Samaritan understandings of their ancient practice.

And indeed, even for those who adhered to the lunar calendar, there seems to be a very good reason why dairy would be in use on Shavuot.

Researcher Andrew Curry describes ways that archaeologists determine which societies produced and consumed dairy products. He writes, “One strand of evidence came from studies of animal bones found at archaeological sites. If cattle are raised primarily for dairying, calves are generally slaughtered before their first birthday so that their mothers can be milked. But cattle raised mainly for meat are killed later, when they have reached their full size. (The pattern, if not the ages, is similar for sheep and goats, which were part of the dairying revolution.)”<sup>15</sup>

There are three *korbanot* that are obligated to be brought from domestic animals under one year of age: the *Bekhor* (firstborn), *Ma’aser* (animal tithe) and *Pesah*. *Bekhor* and *Ma’aser* don’t have set times at which they must be brought,<sup>16</sup> and encompass bovines (*beheimah gasah*) as well as caprines and ovines (*beheimah dakah*). *Korban Pesah*, which is brought only of caprines and ovines, is offered by nearly all Jews within the space of several hours. The *Korban Pesah* is ideally intended to be offered hours after—and eaten with—a *shelamim* (peace)-offering known as a *hagigah* (pilgrimage-offering), which can come from any eligible animal from either gender. However, the prohibition of slaughtering a mother animal with its offspring on the same day (*Vayikra* 22:28) rules out dispensing of the lactating nanny or ewe for this purpose. For many commentators,<sup>17</sup> there is no further mandatory private animal-offering until the next pilgrimage holiday, Shavuot.

Other than for festivals, meat consumption was a rarity. Archaeologist Cynthia Shafer-Elliott writes, “In ancient societies like Israel, the household economy was an important part of daily life and operated on a subsistence level. The preference for stews made from vegetables and

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<sup>15</sup> Andrew Curry, “Archaeology: The milk revolution.” *Nature* August 1, 2013; 500: 20-22. The methodology was initially described by Anthony J. Legge, “Aspects of Cattle Husbandry,” in R. J. Mercer, ed. *Farming Practice in British Prehistory* (Edinburgh: Edinburgh University Press, 1981), 169-122.

<sup>16</sup> Although one might imagine that the alacritous would bring their firstlings immediately; birthing season for sheep and goats in the Ancient Near East took place 150 days after mating season in late summer, with birthing beginning roughly around Chanukah-time, and it is interesting that this holiday also has a tradition for dairy consumption. See, e.g., H. Epstein, “Awassi Sheep,” *World Animal Review* 44 (1982) 11-27.

<sup>17</sup> This is the upshot of Ramban, commentary on *Devarim* 16:2 and Ra’avad animaladversion on Rambam, *Hilkehot Hagigah*, 2:10; Rambam disagrees based on *Tosefta*, *Pesahim* 5:3 and requires a separate *hagigah*-offering for the Passover holiday. See discussion in Yehuda Rock, “Hagigat Arba’ah Asar,” *Alon Shevut* 150 (1998), 77-94.

legumes supports the idea that the average Israelite household depended on herds and only occasionally ate meat. The household herd (primarily sheep and goats) provided secondary products, such as wool, milk, and dung for fuel. Meat was reserved for special occasions, such as a wedding (Gen. 29:22; Judg. 14:10; see Tob. 7:13–14), or religious/agricultural feast (Deut. 16:1–17; Exod. 23:14–17; Lev. 23:4–25; Num. 10:10; Ps. 81:3; 2 Chr. 8:12–13; Hos. 2:11; Amos 8:5, and 1 Sam. 20: 5–6).<sup>18</sup> As such, in ancient times, nearly all Jewish families would necessarily have a lactating ewe or nanny in their possession during the weeks after Passover, likely until Shavuot, and it is specifically these animals that were used in the ancient Near East for dairy products.<sup>19</sup>

But would the ewe or nanny be consumed on Shavuot? Not necessarily. Shavuot itself differs from the other holidays in that there is no absolute obligation to consume meat on the festival. The Talmud (Bavli *Hagigah* 17a) records that the *hagigah* festival-offering for Shavuot could be brought for an entire week, six days of which are **after** the holiday. Further, under certain circumstances—Shabbat, and possibly the eve of Shabbat—it was actually **forbidden** to offer the *hagigah* on the holiday itself. The Mishnah (*Megillah* 5:1) rules out offering the *hagigah* on the eve of the holiday. Thus, aside from Passover, such meat was never available on the first night of **any** holiday, and if the *hagigah* could not be offered on the first day, it would need to be delayed to subsequent days. Therefore, on Shavuot, there was **always** at least an option, and sometimes a requirement, for the masses to avoid sacrificial meat for the entire holi-

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<sup>18</sup> Cynthia Shafer-Elliott, “The Daily Stew? Everyday Meals in Ancient Israel,” *ANE Today* IV:7 (July 2016), at <http://www.asor.org/onetoday/2016/07/the-daily-stew-everyday-meals-in-ancient-israel/>, accessed on June 17, 2019.

<sup>19</sup> Goats, and not cows, were the primary source of milk in the Biblical and even later Mediterranean milieu; cows in ancient Rome were used primarily for traction and rarely for milk. See Menahem Haran, “Seething a Kid in its Mother’s Milk,” *Journal of Jewish Studies* (1979) 35; K.D. White, *Roman Farming* (Ithaca, NY: Cornell University Press, 1970), p. 276–278. Per Marco Gobetti Erasmo Neviani and Patrick Fox in “The Origins of Cheesemaking,” in *The Cheeses of Italy: Science and Technology* (Cham: Springer, 2018), 3, “Bovine milk is rarely specified in the Old Testament, presumably because of the unsuitability of the terrain of Palestine for cow pasture; ancient cattle were larger and less docile than modern breeds.” However, cow dairy was apparently not completely absent from the Biblical diet; see II Samuel 17:29. Nonetheless, the recorded incident transpired in Transjordan, in which the terrain is different; the Bashan (modern-day Golan) is noted in the Bible (e.g. Amos 4:1) to be prime pasture for cattle.

day—and the option existed (and given Biblical Jewry’s dietary predilections, was likely exercised) to celebrate with dairy instead.<sup>20</sup>

The use of dairy in holiday celebrations in the ancient Near East is actually attested in a Ugaritic tablet which has become famous as the subject of a scholarly debate. There is a controversy surrounding the correct reading of a passage in “Birth of the Gracious and Beautiful Gods,” Ugaritic Textbook 52:14 (KTU 1.23, CTA 23). The passage reads *tb(h g)d bhlb annb bhmat*; (h g) represents letters that are not legible due to surface damage. Prof. Umberto Cassuto’s reconstruction reads “slaughter a kid in milk, a goat in butter,” hence rendering this a potential Canaanite cultic foil for the Biblical prohibition of the same;<sup>21</sup> Menahem Haran and others<sup>22</sup> argue with this reconstruction, and feels that the passage could as easily be reconstructed as “prepare coriander in milk, mint in butter.” Regardless, the tablet clearly attests to festal uses of dairy in the Bronze Age Levant.

Rashbam (Exodus 23:19) states that the Torah first commanded the prohibition of meat and milk in the context of the festivals because much dairy and meat are readily available at such times. In light of the above, the commentary is well understood. The first two iterations of the festivals in the Torah in the book of Exodus are followed by festival-relevant commandments; the first, connected to Passover, instructs the worshipper not to slaughter his offering “on leaven,” nor to leave over

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<sup>20</sup> R. Hayyim Soloveitchik of Brisk (Stencil 88:9) posits that there are two aspects to the commandment to rejoice on the festivals, one with sacrificial meat—which only applies when the Temple stands—and one via “secular” pleasures such as wine and fine clothes; in the Temple’s absence, the former does not apply. In *Kovetz Kol Torah* 14:9 p. 19, his son, R. Yitzhak Zev Soloveitchik, cites R. Hayyim as explaining the *minhag* to eat dairy only on Shavuot serves to demonstrate that in the Temple’s absence, we are not duty-bound to eat meat and we may consume that which gives us pleasure. See *Pardes Eliezer, Shavuot*, p. 247. We suggest further that even in the Temple’s presence, this could be the case. Of course, the communal-offerings of Shavuot, including its unique communal *shelamim*-offering, did need to be consumed by the Kohanim of that *mishmar*-watch but this obligation or right would not have extended to the overwhelming majority of Jewry.

<sup>21</sup> Umberto Cassuto, *A Commentary on the Book of Exodus* (Jerusalem: Magnes Press, 1983), 305. Gaster, cited above, goes on to cite Maimonides, who anticipated this suggestion as a rationale for the prohibition of milk and meat, and alludes to this finding.

<sup>22</sup> Haran, no. 15 above; see also Robert Ratner and Bruce Zuckerman, “‘A Kid in Milk?’ New Photographs of KTU 1.23, Line 14.” *Hebrew Union College Annual* (1986) 16.

from the *hagigah*-offering of Passover until morning. The following verse states, “bring the first-fruits of your land to the House of God; do not seethe a kid in its mother’s milk.” Shavuot, the “Day of First-fruits,” is a time when there is a particular profusion of milk and dairy, and these were culturally suitable for festival fare in ancient Palestine. God exhorts us that while we are welcome to celebrate our holiday with milk and cheese, when its associated *hagigah* is brought, we must take care to keep its meat out of our dairy.

### ***Hazak*: Absence of Evidence and Evidence of Absence**

A serious objection to the foregoing is that it seems unlikely that a *min-hag* that had been observed continuously since the time of paschal sacrifices would be completely absent from classical Rabbinic sources. Not only is the practice absent, but a *mishnah* in *Hullin* (5:3) suggests that indeed, meat was definitely consumed on Shavuot:

...On four times of the year, one who sells an animal to his friend must inform him, “its mother I sold to slaughter {or} its daughter I sold to slaughter.” And these are they: on the eve of the last festival day of the [Sukkot] holiday, and the eve of the first festival day of Pesah, and on the eve of *Atzeret*, and on the eve of Rosh Ha-Shanah...

According to the *mishnah*, the volume of slaughter of animals was sufficiently high on these four days—which included Erev Shavuot—that one needed to be concerned that any animal sold would likely be slaughtered on that same day, and if its mother were also sold, one may run afoul of the prohibition of “it and its son you may not slaughter on one day.” It seems that by the time of this *mishnah*, the Shavuot menu consisted of meat.

A resolution of this difficulty may lie in another *mishnah*. In *Bava Kamma* 7:7 we find,

One may not raise *beheimah dakah* (goats or sheep) in the land of Israel, but one may raise them in Syria, and in deserts that are in the land of Israel.

The prohibition on raising goats or sheep in the land of Israel was enacted in the Second Temple era, well before the Mishnah or the codification of any Rabbinic literature; agricultural development in the land had reached sufficient contiguity that ordinary grazing behavior by goats and sheep was sure to cause damage to others’ private property. As

such, they were banned; only desert-dwellers and those outside the land of Israel proper were permitted to retain them.

At this point, then, ordinary EretzIsraeli Jews no longer retained sheep and goats in general, and dairy was no longer present in the post-Passover cupboard. Only Diaspora Jews<sup>23</sup> and desert-dwellers like Es-senes and Therapeutae held on to flocks, as well as those who did not feel themselves bound by Rabbinic decrees, such as Samaritans (and perhaps sectarians generally). Jerusalem sits on the cusp of the Judean desert, and so Jews who wished to offer a paschal-offering would now purchase them from merchants in the shops (that have been excavated near Robinson's arch) in its Tyropoeon valley. Now that post-Pesah dairy in mass quantities was the exclusive province of those desert-dwellers, it is not difficult to imagine that they sold their dairy wares there too, thus solving the mystery of why one would name that valley after cheesemongers (*tyros poieo*)!<sup>24</sup> Regardless, even at the end of the Second Temple period, desert-dwellers and Samaritans still needed to make use of their dairy goats after Passover, but there was no longer any particular pressure on the ordinary Jewish household to celebrate Shavuot with dairy.<sup>25</sup>

### **So Why Does Dairy Debut in Ashkenaz?**

One could explain that the practice of dairy simply found its way back into Ashkenaz from sectarian groups through the "back-doors" of mysticism or Aggadah in texts now lost to us, just as Prof. Elior theorizes with regard to the thematic content assigned to Shavuot, as cited above.

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<sup>23</sup> In *Bava Kamma* 80a, R. Yehudah cites Rav that after the exile of Jeconiah, the enactment was applied to Bavel. From the inclusion of Syria in the exemption it is clear that even if his view is accepted, this extension to diaspora lands is not generalizable.

<sup>24</sup> Interestingly, Nehemiah 3:13 records the gate which leads to that valley as *sha'ar hashafot*, "gate of curds" (compare *sh'fat bakar*, II Samuel 17:29), rather than *sha'ar ha-ashpot*, "dung gate." Scholars tend to think Tyropoeon an error. See e.g. A. van Selms, "The Origin of the Name Tyropoeon in Jerusalem," *Zeitschrift für die alttestamentliche Wissenschaft* 91:2 (1979), 170-176.

<sup>25</sup> Indeed, in the Cairo Genizah, which contains documents reflecting the EretzIsraeli and Bavel-derived communities in Fustat, we find a letter in which a Jewish teacher recounts that he had meat only eight times from one Shavuot to the next; this would seem to indicate that despite the scarcity of meat for the Jewish poor, meat was eaten on Shavuot. See Mark R. Cohen, "Feeding the Poor and Clothing the Naked: the Cairo Geniza," *The Journal of Interdisciplinary History*, 35:3 (Winter 2005), 413.

However, there is another possibility. In seven places, early Rabbinic literature—the *Tosefta*, as well as Talmud Bavli and Yerushalmi—describes Todos ish Romi, a Jewish communal leader in Rome who held to Rabban Gamliel’s view that one ought to serve a *gedi mekulas*, a “praised kid”—a kid or lamb prepared precisely in the same manner as a *Korban Pesah*—at the Seder. The *Tosefta* (*Beitzah* 2:15) writes:

What is a *gedi mekulas*? Roasted whole in its entirety, its head, thighs and innards. If he cooked any of it, pickled any of it, it is not a *gedi mekulas*. We [may] make a *gedi mekulas* on the first day and on the last day of Sukkot, [and] an *egel mekulas* (“praised calf”) on the first day of Pesah but not a *gedi mekulas*. R. Yose said, Todos of Rome led (*hinbig*) the people of Rome to take lambs on Passover eves and make them *mekulasin*. They said to him, even he is close to feeding them *kodashim* outside of its place, because they call them “paschal lambs.”

It is unclear whether Todos lived before or after the Temple’s destruction,<sup>26</sup> and hence if this practice was intended to allow some kind of outlet for Jews who could not participate in the Temple service, or if it was rather intended as a commemorative observance after its destruction.<sup>27</sup> It is also not clear how this episode resolved; none of the accounts in Rabbinic literature record Todos’s response to the objection of the Sages, which in some versions is delivered to Todos himself. Since we are not in possession of Rabbinic literature from Italy in the classical and early medieval period, it is possible that *gedi mekulas* was practiced not simply for one or two years, but was actually the dominant *minhag Romi* for generations.<sup>28</sup> Indeed, at least two modern-day Italian Rabbis trace unique practices of their community to the enactment of Todos Ish Romi. R. Alfredo Sabato Toaff of Livorno reported that the

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<sup>26</sup> *Berakhot* 19a references a threat of excommunication by Shimon ben Shetaḥ, which would have placed the incident in the Hasmonean period. However, other manuscripts of the Talmud (and parallel *sugyot* in the *Yerushalmi*, *Pesahim* 7:1, *Beitzah* 2:7 and *Mo’ed Katan* 3:1) record the identity of his disputants as “*hakhamim*,” the Sages. *Bavli*, *Pesahim* 53a and *Beitzah* 22b do not identify the disputants.

<sup>27</sup> See discussion in Chaim Licht, “Todos of Rome and the Eating of Roasted Whole Lambs on Passover Eve,” *Tura* 4 (1996) 89-106 (Heb).

<sup>28</sup> *Alei Tamar*, *Pesahim* p. 303 notes that the Talmud does not record that the practice was abandoned, and suggests that a continuation of the practice in Rome may account for the presence of the *Mab Nishtanah* question regarding roast meat in Cairo Genizah Haggadot.

Roman and pan-Italian *minbag* to use (specifically) a lean roasted lamb shankbone on the Seder plate commemorates the enactment of Todos,<sup>29</sup> and R. Riccardo Di Segni, current Chief Rabbi of Rome, avers that his community's *minbag* to eat roasted kid at the Seder (*capretto per pesah*)—albeit in cuts, not whole (as the *korban* was required to be)—harks back to Todos as well.<sup>30</sup>

What we do know is that there was at least one point in time, close to the time of the Mishnah, when a Jewish community outside of the land of Israel slaughtered a relatively large number of suckling goats. As (many) diaspora Jews were never bound by the ban on *beheimah dakeah*, their households likely featured a lactating nanny at Passover. In Rome, too, “meat (pork, mutton, beef) was scarce except at sacrifices and the dinner parties of the rich,”<sup>31</sup> and without a wedding celebration to diminish the flocks, either due to the Omer wedding ban or the ancient Roman sensibility of *Mense Maio malae nubunt*,<sup>32</sup> there was likely to be cheese available at the time of Shavuot.

### **The Ghost of *Gedi Mekulas*: Its Halakhic Life and Afterlife**

The halakhic status of the *gedi mekulas* is not clear from Tannaitic literature. The *Tosefta* is unequivocal in prohibiting the phenomenon, but the Mishnah in *Beitzah* 2:7 and *Eduyot* 3:11 simply cite the dispute between R. Gamliel and the Sages regarding the practice, and *Pesahim* 4:4 seems to allow for regional diversity of practice with regard to consumption of

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<sup>29</sup> Yosef Rofo, “Two customs of the month of Nissan among Jews of Rome—*gedi mekulas* on Passover eve, and Wafer in Honey,” *Yeda Am* 21 (1982), (Heb).

<sup>30</sup> Interview with R. De Segni on Kol Hai Radio, April 2, 2015, archived at <http://www.93fm.co.il/radio/186165/>, accessed on June 17, 2019.

<sup>31</sup> John E. Stambaugh, *The Ancient Roman City* (Baltimore: Johns Hopkins University Press, 1988), 148.

<sup>32</sup> Latin, “they marry under bad auspices who marry in the month of May.” The Omer marriage prohibition makes its debut in Rabbinic literature in a Geonic responsum (*Otzar Ha-Geonim*, *Yevamot* p. 147), which attributes the interdict to the Talmudic narrative regarding deaths of the students of R. Akiva in this period (*Yevamot* 62b). Some see a link with the Roman rites of Lemuralia during the 31 days of May, the source of the above-cited maxim, which are roughly coincident. See Lou Silberman, “The Sefira Season: A Study in Folklore,” *HUCA* 22 (1949), pp. 221-237. It appears to this author somewhat counterintuitive that a Roman-inspired practice would first surface in the literature of *Geonim* living in the heart of the Abbasid Caliphate, but admittedly contemporary Rabbinic literature from the heirs of Roman culture, Byzantine and Western Christendom, is scarce.

roasted meat on Passover eve. The *Tosefta* in *Ohalot* 3:9 and 18:18 does seem to imply that the *gedi mekulas* was practiced in Beit Dagan and Ashkelon after the *Hurban*; the *misnah* in *Pesahim* (7:2) appears to imply that R. Gamliel followed his own view. Nevertheless, the upshot of the *Todos* stories in both the *Bavli* and *Yerushalmi* is that the practice is not to be done, and *Bavli* (*Pesahim* 53b, 74a) prohibits the *gedi mekulas* explicitly.

Nonetheless, Cairo Genizah fragments reveal numerous late Eretz-Israeli Haggadot that contain the original three Mishnaic (*Pesahim* 10:4) questions in *Mab Nishtanah*, which include one that inquires as to why *tzeli*—roast meat—is eaten at the Seder; this might imply that *gedi mekulas* was practiced in some communities practicing the Eretz-Israeli rite as late as the tenth to thirteenth centuries. Passages from Christian historians and Church fathers corroborate the practice of *gedi mekulas* in early medieval Palestine, and it is mentioned in the 7<sup>th</sup>-8<sup>th</sup> century book of Eretz-Israeli practices, *Sefer ha-Ma'asim le-B'nei Eretz Yisrael*.<sup>33</sup> Even in Bavel, there are voices that mitigate the *Bavli*'s unequivocal stance; *She'iltot de-Rav Aḥai Gaon* (*Tzav*, 80) is among those Geonic works that permit it explicitly.<sup>34</sup> There remains diversity in practice among Sephardic and *Edot ha-Mizrah* communities in this regard; indeed, the current Yemenite practice is to eat roasted meat. Interestingly, the Jews of Kurdistan, who eat dairy on Shavuot, also eat *tzeli*; they distribute the shank bone to assembled guests to eat and recite “meat without a blessing, in memory of the paschal offerings.”<sup>35</sup>

Ashkenaz is a derivative community of the Italian Jewish community, commencing with the arrival of Kalonymides from Lucca in either the end of the ninth or beginning of the tenth century, and yet Ashkenazic *Rishonim* are nearly unanimous in prohibiting roasted meat at the Seder.<sup>36</sup> However, by the mid-tenth century, the Halakhic culture of Ashkenaz had been, or came to be, overwhelmingly dominated by Tal-

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<sup>33</sup> See discussion in Mitchell First, “*Mab Nishtannah: The Three Questions*,” in *Esther Unmasked: Solving Eleven Mysteries of the Jewish Holidays and Liturgy* (New York: Kodesh Press, 2015), 168-188.

<sup>34</sup> See a comprehensive treatment in Yehuda Zoldan, *Mo'adei Yebuda V-Yisrael* (Merkaz Shapira: HaMachon HaTorani Or Etzion, 2004), 445-459.

<sup>35</sup> <http://www.tapuz.co.il/blogs/viewentry/1437002> accessed June 19, 2019.

<sup>36</sup> See the list in *idem*, especially footnote 34. He notes that the singular true exception is the *Terumat ha-Deshen*, who is cited in *Leket Yosher* 1 (*Orah Hayyim*) p. 86 as lenient, and suggests that this may reflect the peculiarities of *minbag* Österreich (which, as opposed to *minbag* Rheinuis bears the influence of French—and consequently neighboring Provençal and Spanish—*minbag*).

mud Bavli—by a process that is hotly disputed<sup>37</sup>—while the *Geonim* of Bavel held little influence.<sup>38</sup> As such, even if the Jews of Italy maintained the practice of *gedi mekulas* for some time, ultimately the halakhic dictates of Talmud Bavli stamped out any trace of the practice in Ashkenaz, and perhaps led to the diminution of the practice in Italy, as well.

However, scholars agree that whatever the extraction of the early Halakhists of Ashkenaz, the bulk of the population of the Rhineland derived not from Bavel but Italy (and perhaps elsewhere in Europe), and *minhagim* and liturgy that was not halakhically problematized was allowed to remain. In this case, the derivative *minhag*—of enjoying dairy on Shavuot—was halakhically unobjectionable; the Bavli (*Pesahim* 109a) requires rejoicing on the festival with meat only when it is sacrificial, when the Temple stands. Even if one, as Rambam (*Hilkehot Yom Tov* 6:18), sees in the Talmudic statement a desideratum to consume meat nowadays in any event, the Rokeach's great-uncle demonstrated, that one can even clean out one's mouth and accomplish this as well.

### Milchigs and Meaning

It is striking that the Pesah-offering is numbered among those brought from sucklings. The need to offer a *bekhor* within its first year, or to offer one's animal tithes within twelve months after their birth, is readily understood—but the Pesah's inclusion is not readily understood. The inclusion of the prohibition of meat and dairy with the first-fruits law in the festival context suggests that the Torah intended to create a situation in which milk and dairy would be plentiful on Shavuot. Why?

Milk and dairy evoked a particular association in the ancient world. “In its liquid state, milk did not feature as an important component in the diet of the typical Roman urban dweller of the Late Republic and Imperial periods. This was due, in the first instance, to reasons of practicality: milk was produced on farmsteads outside the towns and cities, and in the hot Mediterranean climate it was often difficult to keep milk fresh during transport to urban centers. In the second instance, **intellectual Romans associated the drinking of milk with barbarians (non-Romans) and nomads**, whom they considered to be unrefined and

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<sup>37</sup> See Haym Soloveitchik, “The ‘Third Yeshivah of Bavel’ and the Cultural Origins of Ashkenaz—A Proposal,” *Collected Essays*, volume 2 (Oxford: The Littmann Library, 2014), 150–201 and Robert Brody, “On the Dissemination of the Babylonian Talmud and the Origins of Ashkenazi Jewry,” *JQR* 109.2 (Spring 2019), 265–288.

<sup>38</sup> See Brody, *idem*, p. 269; on this Brody and Soloveitchik agree.

uncultured because they were pastoralists as opposed to settled agriculturalists, living off their animals instead of farming the land. Such peoples were classified as “eaters of flesh and drinkers of milk” in ancient ethnography and historiography, a designation which signified their place on the periphery of the civilized world, and was applied, for example, to the Celts, Britons, Germans and Scythians. Although it was acceptable for the Roman ancestors to be portrayed as consuming milk, in later times milk-drinking became unfashionable in Rome among the adult population because it was regarded as an uncivilized activity on account of the mental connection with barbarians. It was, seemingly, still acceptable for children to drink milk.”<sup>39</sup> The characterization of nomadic pastoralists as ‘barbarian’ (as opposed to agricultural sedentarists, who were regarded as ‘civilized’)—which is fully elaborated in Herodotus and Aristotle—is a constant theme in Classical Greek literature, and can already be found in Homer’s *Odyssey*.<sup>40</sup> One might posit Biblical attestation of a similar attitude in ancient Egypt, depending upon one’s understanding of Genesis 46:33.<sup>41</sup> (Incidentally, this Graeco-Roman aversion to milk—but not milk products—coupled with the Roman-Jewish origin of dairy on Shavuot may resolve R. Avigdor Tzarfati’s above-cited query as to why the *minbag* existed to consume *pladin*-pastry, and not actual milk.)

The Greek characterization of “milk-drinkers” as pastoralist nomads is verified by *Tanakh*. Nearly every reference to dairy products in *Tanakh* occurs in conjunction with nomads. Abraham is bidden by God to pursue a life of nomadism, and the meal that Abraham serves his visitors includes butter (Genesis 18:8); Yael of the pastoralist Kenite tribe has milk and butter on hand to feed to the tired Sisera (Judges 4:19, 5:25); David the shepherd brings cheese to his brothers’ commander at the front (1 Samuel 17:18), and when his son Absalom forces him and his men back to desert nomadism they feast on butter and cheese (2 Samuel 17:29); Job, a semi-nomad with thousands of sheep and cattle, and his

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<sup>39</sup> Carol A. Déry, “Milk and Dairy Products in the Roman Period.” In *Milk: Beyond the Dairy: Proceedings of the Oxford Symposium on Food and Cookery, 1999* (Devon: Prospect Books, 2000), 117.

<sup>40</sup> Brent D. Shaw, “Eaters of Flesh, Drinkers of Milk: The Ancient Mediterranean Ideology of the Pastoral Nomad,” *Ancient Society* 13/14 (1982/1983), 5-31.

<sup>41</sup> This is indeed the view of the “father of British Egyptology,” John Gardner Wilkinson, in his *A Popular Account of the Ancient Egyptians*, vol. II (London: John Murray, 1854), 168-169. See comprehensive discussion and alternate understandings in Aron Pinker, “‘Abomination to Egyptians’ in Genesis 43:32, 46:34, and Exodus 8:22,” *Old Testament Essays* 22:1 (2009), 151-174.

friends use butter and cheese in their imagery (10:10, 20:17, 21:24), as does Agur son of Jakeh the Massaite—of the (nomadic) Ishmaelite tribe of Massa—in his proverbs (Proverbs 30:33). Milk imagery also abounds in Song of Songs (4:11, 5:1, 5:12); indeed, the male protagonist of *Shir Ha-Shirim* is a desert-dwelling shepherd. Even non-masoretic readings conform to this pattern; Josephus understands that Abel, the primordial pastoralist shepherd, offered milk with his sacrifice.<sup>42</sup>

The praise of the land of Israel as a land of milk and honey is clearly one that suits nomads,<sup>43</sup> and is ill suited to the land at its peak agricultural production,<sup>44</sup> which instead is characterized by the seven species. Isaiah's description of the denizens of the land in Hezekiah's time subsisting on butter and honey (7:21-22) is directly related to the Assyrian devastation of crops and destruction of the vineyards (7:23-25)—yielding weeds for ovine consumption—hence milk—and ruined grapevines, whose inviable, rotting produce attract hymenoptera that include honeybees.<sup>45</sup> In sum, milk is the drink of nomads, who live in the deserts and wilderness and subsist from their livestock.

While the Greeks and Romans took a dim view of pastoralists, Tunisian Arab historian Ibn Khaldun has a different view. He writes, “Urbanization is found to be the goal to which the dweller of the rural areas aspires. Through his own efforts, he achieves his perceived goal. When he has obtained enough to be ready for the conditions and customs of luxury, he enters upon a life of ease and submits himself to the yoke of

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<sup>42</sup> Josephus Flavius, *Antiquities of the Jews*, Book I, Chapter 2:1. Fascinatingly, *Bereshit Rabbah* 22:4 places Abel's offering—in the context of what Targum pseudo-Jonathan calls a first-fruits offering—on Shavuot (or for the alternative view, Chanukah).

<sup>43</sup> See the numerous authorities supporting this understanding cited in Philip D. Stern, “The Origin and Significance of ‘The Land Flowing With Milk and Honey’,” *Vetus Testamentum* 42:4 (1992) 554.

<sup>44</sup> Richard A. Freund contends with this in “The land which bled forth its bounty: An exile image of the land of Israel,” *Scandinavian Journal of the Old Testament: An International Journal of Nordic Theology*, 13:2, 284-297.

<sup>45</sup> Benjamin Oppenheimer, “Yihud Tefisato ha-Historit shel Yeshayahu,” *Hug Beit HaNasi le-Tanakh u-lemekorot Yisrael* 1 (1993) 8-9, cited by Yoel Bin-Nun, at [https://www.etzion.org.il/he/%D7%99%D7%9E%D7%99-%D7%99%D7%A8%D7%91%D7%A2%D7%9D-%D7%95%D7%A2%D7%95%D7%96%D7%99%D7%94%D7%95-%E2%80%93%D7%99%D7%9E%D7%99-%D7%A4%D7%A7%D7%97%D7%90%D7%97%D7%96-%D7%97%D7%9C%D7%A7-%D7%93#\\_ftn6](https://www.etzion.org.il/he/%D7%99%D7%9E%D7%99-%D7%99%D7%A8%D7%91%D7%A2%D7%9D-%D7%95%D7%A2%D7%95%D7%96%D7%99%D7%94%D7%95-%E2%80%93%D7%99%D7%9E%D7%99-%D7%A4%D7%A7%D7%97%D7%90%D7%97%D7%96-%D7%97%D7%9C%D7%A7-%D7%93#_ftn6) accessed June 19, 2019.

the city.” On the other hand, the pastoralists do not succumb to luxury and corruption, but rather maintain their “courage and strength”; they are “healthier in body and better in character than the hill people who have everything. Their complexions are clearer, their bodies cleaner, their figures more perfect, the character less intemperate and their minds keener as far as knowledge and perception are concerned.”<sup>46</sup> Some of these sentiments were adumbrated in the writings of Philo of Alexandria on the Therapeutae, as seen in the citation above.

### **To Which View Does Judaism Subscribe?**

In the Commentary of R. Samson Raphael Hirsch, *Shemot* 16:4, R. Hirsch, working off *Mekhilta Shemot* 16:4, seems to side with Ibn Khaldun. R. Hirsch writes:

Whether My teaching will be followed depends on My finding men for whom it is enough to know each day that they and their wives and children have sufficient sustenance for that day; men who do their duty for today, enjoy the day in happiness and good cheer, and leave worry about tomorrow to God, trusting that He who created the present day and its sustenance will also create the next day and its sustenance. Only such unreserved trust in God will safeguard Torah observance against infringement caused by concerns—real or imagined—about making a living. He who has not learned to trust in God for tomorrow’s sustenance will ultimately be led away from God and His Torah by anxiety about years to come. Hence the great saying of R. Elazar HaModa’i: “He who created the day has also created its requisite sustenance...Whoever has enough to eat for today and says, ‘What will I have to eat tomorrow?’ is among those who have little trust in God.”

The Rav, Rabbi Joseph B. Soloveitchik, seems to prefer the Graeco-Roman perspective:

In what ways is the settler who has his own “place” superior to the nomad who has none of his own? First, the nomad is an exploiter, a parasite. He moves from one pasture to another, from one feeding ground to another. When favorable ecological conditions turn, he lifts his tent and travels anew. He has neither the desire nor intent to cultivate his land, for he has no land of his own, and he can

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<sup>46</sup> Citations and discussion in Cheryl A. Makarewicz, “A pastoralist manifesto: breaking stereotypes and re-conceptualizing pastoralism in the Near Eastern Neolithic,” *Levant* 45:2 (2013), 163.

always find new pastures. Secondly, the nomad has no mental “bond” with his land. Since he has offered it nothing, it offers him nothing. He does not feel a symbiotic relationship between himself and his land. He has no “place consciousness.”

The settler, however, is a producer and creator. This is his land; he tills and cultivates it. He prays for rain, and he combats the elements that would drive him from his land. He does not wish to find new pastures, for these are integrated with his existence. The settler has a land attachment. His land has become part and parcel of his mental set. He lives in a symbiotic relationship with his land. He has tilled it and it has produced. He loves it and merges in it. He has “place consciousness.”

In the fratricide of Abel by Cain we figuratively observe the above contrast and its results: Cain was stronger than Abel because Cain was a farmer, a settler, while Abel was a shepherd, a nomad. Cain rose and slew his brother because he was the stronger; he had land attachments, and he fought for them. Abel, the nomad, was “weak” and knew not how to defend himself, for he had no “mental bonds” that would incite him to an act of defense. And the most fitting punishment for Cain was for him to become a nomad, wandering the earth, restless and derelict. (Sacred and Profane [in *Shivrei HaRav*, p. 9-10])

Perhaps neither is incorrect. The Torah expects the Jewish people to master agriculture and cultivate fields, to create a “place-consciousness,” but nomads and pastoralists bear a God-consciousness and will not succumb to luxury and corruption. As such, the community is structured such that its priesthood has no land-holdings and (in the early years of settlement) are rendered itinerant, for better or for worse (see, e.g., Judges 17:8, I Samuel 7:16). Its holiest sanctuary tracks the settlement of the people, first in a goat-wool nomad’s tent, then in a grand structure at the summit of a city, but whose ark maintains its portable staves. Kings and some prophets are culled from the shepherds’ tents. Finally, the most intense agricultural seasons of plenty are punctuated by three holidays that hark back to nomadism, and perhaps refocus our attention from luxury and corruption to the Source of propriety. Hence, on Pesah, the bread of the nomad, the quick, unleavened bread of exile, is consumed; on Sukkot, all Jews dwell in the tent of the nomad; and on Shavuot, all consume the victuals of the nomad—namely, dairy. ❧